

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

No. C 06-0162 MMC

Plaintiff,

v.

SEOUL SEMICONDUCTOR CO.,LTD., et al.,

Defendants

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL;
DIRECTIONS TO PLAINTIFF;
DIRECTIONS TO CLERK**

Before the Court is plaintiff's "Administrative Motion to File Documents Under Seal," filed June 15, 2007, the Declaration of Chi Soo Kim, filed June 22, 2007, the Declaration of Judith S.H. Hom, filed June 22, 2007, and the Supplemental Declaration of Jason M. Julian, filed June 27, 2007. Having reviewed said motion and declarations, the Court rules as follows:

1. The motion is hereby GRANTED in part, and the Clerk is hereby DIRECTED to file under seal unredacted versions of the following two documents:

a. Confidential Exhibits to the Declaration of Kenneth E. Krosin in Support of Plaintiff Nichia Corporation's Brief in Support of Motions for Summary Judgment; and

b. Plaintiff Nichia Corporation's Brief in Support of Motions for Summary Judgment of Patent Infringement, Validity, and Seoul's Equitable Defenses.

2. Because defendants have withdrawn their prior designation of confidentiality as

1 to some of the exhibits attached to the above-described Krosin Declaration, (see Kim Decl.
 2 ¶¶ 7, 9), and have denied they designated as confidential certain other exhibits attached to
 3 the above-described Krosin Declaration, (see id. ¶ 8), the motion is hereby DENIED as to
 4 such exhibits and plaintiff is hereby DIRECTED to file in the public record, no later than July
 5 6, 2007, Exhibits 26, 34, 38, 49, 50, 52, and 53. If plaintiff fails to timely file such exhibits in
 6 the public record, the Court will not consider them in ruling on plaintiff's motions for
 7 summary judgment.

8 3. The motion is hereby DENIED, to the extent plaintiff seeks leave to file under seal
 9 the following three documents, in light of defendants' having withdrawn their prior
 10 designation of confidentiality, (see Hom Decl. ¶¶ 4,5), and the Clerk is DIRECTED to file
 11 said documents in the public record:

12 a. Confidential Exhibits to the Declaration of Kenneth E. Krosin in Support of
 13 Plaintiff Nichia Corporation's Motion to Strike the Supplemental Expert Report of Richard A.
 14 Flasck Pursuant to Fed. R. Civ. Proc. 26(A)(2);

15 b. Confidential Exhibits to the Declaration of Kenneth E. Krosin in Support of
 16 Plaintiff Nichia Corporation's Motion to Bar the Seoul Defendants' Obviousness Defense;
 17 and to Strike the Seoul Defendants' Obviousness Defense from the Expert Reports of
 18 Richard A. Flasck Pursuant to Fed. R. Civ. Proc. 26(A)(2); and

19 c. Plaintiff Nichia Corporation's Notice of Motion and Motion to Bar the Seoul
 20 Defendants' Obviousness Defense; and to Strike the Seoul Defendants' Obviousness
 21 Defense from the Expert Reports of Richard A. Flasck Pursuant to Fed. R. Civ. Proc.
 22 26(A)(2).

23 **IT IS SO ORDERED.**

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 25 Dated: July 2, 2007

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 27 MAXINE M. CHESNEY
 28 United States District Judge